IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)
	)
Hai Zhang	)
	) Group Art Unit: 2617
Application No.: 10/594,646	)
	) Examiner: Ngo, Chuong A.
Filed: September 27, 2006	)
	) Confirmation No.: 1623
For: Method for Activating Multimedia	)
Broadcast/Multicast Service	)
	)

Attention: Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sirs:

In support of the Notice of Appeal filed October 19, 2010, Appellant presents this Appeal Brief and encloses herewith the fee of $540.00 required under 37 C.F.R. 41.20(b)(2). This Appeal Brief is being filed subsequent to the December 22, 2010, mailing of a Notice of Panel Decision from Pre-Appeal Brief Review. The time period for filing the Appeal Brief has been extended through February 22, 2011, by a Petition for Extension of Time of one (1) month and fee payment.

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I. **REAL PARTY IN INTEREST**

The real party in interest is Huawei Technologies Co, Ltd., the assignee of record.

II. **RELATED APPEALS AND INTERFERENCES**

There are currently no other appeals or interferences, of which Appellant, Appellant's legal representative, or the assignee are aware, that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. **STATUS OF CLAIMS**

A.   **Total Number of Claims in the Application**

Claims in the application: 1-25.

B.   **Status of All Claims in the Application**

1. Claims canceled: 2, 7, 18 and 19.

2. Claims withdrawn from consideration but not canceled: None.

3. Claims pending: 1, 3-6, 8-17, and 20-25.

4. Claims allowed: None.

6. Claims objected to: 8, 13, and 20.

5. Claims rejected: 1, 3-6, 9-12, 14-17, and 21-25.

C.   **Claims on Appeal**

Claims on appeal: 1, 3-6, 9-12, 14-17, and 21-25.

IV. **STATUS OF AMENDMENTS**

All claim amendments have been entered.

V. <u>**SUMMARY OF THE CLAIMED SUBJECT MATTER**</u>

The present application discloses a method and a Serving GPRS Support Node (SGSN). In the method, the SGSN receives the Multimedia Broadcast/Multicast Service (MBMS) bearer capabilities of user equipment (UE), and verifies whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities before the SGSN sending a Create MBMS Context Request. Therefore, the SGSN can reject the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities.

Independent claim 1 recites a method for activating a Multimedia Broadcast/Multicast Service (MBMS) in a network, the network comprising at least one Serving GPRS Support Node (SGSN) for connecting user equipment (UE) via a radio access network, at least one GGSN, and at least one BM-SC, wherein the SGSN and the GGSN are operatively connected while the GGSN and the BM-SC are operatively connected (*see, e.g., Application at page 2, lines 3-18 and Fig. 2; page 17, lines 20-21*);

the method comprising the steps:

a1. creating, by a UE, a Packet Data Protocol (PDP) Context through interaction with the network and sending a joining message to the network via an SGSN which the UE belongs to (*see, e.g., Application at page 17, lines 22-26*); and

a2. after receiving the joining message (*see, e.g., Application at page 17, lines 24-26*), implementing, by the network, an authorization to the UE (*see, e.g., Application at page 17, lines 27-28*), if the UE has passed the authorization, permitting the UE to activate an MBMS UE Context and the UE sending a request for activating an MBMS Context which carries MBMS

bearer capabilities of the UE to the SGSN which the UE belongs to (*see, e.g., Application at page 17, line 28; page 18, lines 1-3*);

b. verifying, by the SGSN before sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities (*see, e.g., Application at page 19, lines 1-7; page 9, lines 14-16*) if the SGSN has the Required MBMS Bearer Capabilities (*see, e.g., Application at page 18, lines 19-20*), wherein the Required MBMS Bearer Capabilities are used to identify the maximum QoS ability of the MBMS service requested by the UE (*see, e.g., Application at page 10, lines 23-25*); and

c. rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities (*see, e.g., Application at page 19, lines 3-5*), or creating the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities (*see, e.g., Application at page 19, lines 5-8*).

Independent claim 23 recites a Serving GPRS Support Node (SGSN) for activating a Multimedia Broadcast/Multicast Service (MBMS) comprising (*see, e.g., Application at page 17, lines 20-21*):

a first unit, adapted to receive a message which carries MBMS bearer capabilities of a user equipment (UE) from the UE after the UE has passed an authorization (*see, e.g., Application at page 17, line 28; page 18, lines 1-3*);

a second unit, adapted to verify, before the SGSN sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities (*see, e.g., Application at page 19, lines 1-7; page 9, lines 14-16*) when the SGSN

knows the Required MBMS Bearer Capabilities (*see, e.g., Application at page 18, lines 19-20*); and

a third unit, adapted to reject a request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities (*see, e.g., Application at page 19, lines 3-5*), or create an MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities (*see, e.g., Application at page 19, lines 5-8*).

VI. GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1 and 23-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hwang et al. (U.S. Patent Publication No. 20040147266, hereinafter "*Hwang*") in view of Alakoski et al. (U.S. Patent Publication No. 20040073928, hereinafter "*Alakoski*").

2. Claims 3-6, 9-12, 14-17, 21, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hwang* in view of *Alakoski*, and further in view of Fuchs et al. (U.S. Patent Publication No. 20040266440, hereinafter "*Fuchs*").

VII. ARGUMENTS

A.   Appellant respectfully traverses the rejection of claims 1 and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over *Hwang* in view of *Alakoski*. A *prima facie* case of obviousness has not been established.

Independent claims 1 recites:

> 1. A method for activating a Multimedia Broadcast/Multicast Service (MBMS) in a network, the network comprising at least one Serving GPRS Support Node (SGSN) for connecting user equipment (UE) via a radio access network, at least one GGSN, and at least one BM-SC, wherein the SGSN and the

GGSN are operatively connected while the GGSN and the BM-SC are operatively connected;

the method comprising the steps:

a1. creating, by a UE, a Packet Data Protocol (PDP) Context through interaction with the network and sending a joining message to the network via an SGSN which the UE belongs to; and

a2. after receiving the joining message, implementing, by the network, an authorization to the UE, if the UE has passed the authorization, permitting the UE to activate an MBMS UE Context and the **UE sending a request for activating an MBMS Context which carries MBMS bearer capabilities of the UE to the SGSN which the UE belongs to;**

b. **verifying, by the SGSN before sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities,** wherein the Required MBMS Bearer Capabilities are used to identify the maximum QoS ability of the MBMS service requested by the UE; and

c. **rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, or creating the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities. (Emphasis added).**

Neither *Hwang*, **nor** *Alakoski*, **nor any combination thereof, teaches or suggests, at least, "the UE sending a request for activating an MBMS Context which carries MBMS bearer capabilities of the UE to the SGSN which the UE belongs to," as recited in claim 1.**

The Examiner admits that "Hwang does not particularly disclose 'carr[ying] MBMS bearer capabilities ...'" (Final Office Action, p. 8). The Examiner then alleges that "*Alakoski* ... teaches 'carr[ying] MBMS bearer capabilities,'" citing paragraphs [0029] and [0032] of *Alakoski* (Final Office Action, p. 8). Appellant respectfully disagrees.

Alakoski merely discloses that the enhanced PCF can provide the authorized QoS information for the MBMS session and subscription authorization for a mobile device to the GGSN (paragraphs [0029] and [0032]). However, *Alakoski* does not teach "the UE sending a

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request for activating an MBMS Context which carries MBMS bearer capabilities of the UE to the SGSN which the UE belongs to," as recited in claim 1 (Emphasis added). In fact, neither *Hwang*, nor *Alakoski*, nor any combination thereof, teaches or suggests this element of claim 1.

Hwang and *Alakoski* also fail to teach or suggest "verifying, by the SGSN before sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities" as recited in claim 1.

The Examiner alleges that paragraphs [0009], [0040], [0050], [0051], [0065], and [0069] of *Hwang* disclose this feature of claim 1 (Final Office Action, p. 6-7; Advisory Action, p. 2). This allegation, however, is not correct.

Paragraph [0050] of *Hwang* discloses that SGSN 440 determines whether the UE **is qualified for receiving the MBMS service.** In *Hwang*, "the SGSN 440 [makes a determination] . . . depending on the initial UE identity included in the received Authentication request message. For example, the SGSN 440 can determine whether the UE 410 has subscribed for the MBMS service" (paragraph [0050], emphasis added). Thus, SGSN 440 of *Hwang* performs the determination depending on the initial UE identify. However, this cannot constitute a teaching of the claimed "verifying" based on a comparison between "the MBMS bearer capabilities of the UE" and the "Required MBMS Bearer Capabilities," as recited in claim 1.

Paragraph [0009] of *Hwang* discloses that BM-SC 106 "performs authentication on the contents provider 109, quality decision on an MBMS service, error correction for an MBMS data loss, and accounting," and paragraph [0040] of *Hwang* discloses that the TRNC 330 transmits radio bearer (RB) information needed when the TRNC 330 provides the MBMS service to the UE 310. However, there is still no teaching of the claimed "verifying."

Paragraph [0069] of *Hwang* discloses that <u>SGSN 440 transmits an MBMS RAB setup request message</u> to the TRNC 430 in order to set up a radio access bearer (RAB). Next, the TRNC 430 sets up an MBMS RAB to the SGSN 440, and then transmits an MBMS RAB setup response message to the SGSN 440. Thus, SGSN 440 of *Hwang* **only** transmits an MBMS RAB setup request message and requests the TRNC to set up a RAB. SGSN 440 of *Hwang*, however, does not perform any verification, and further does not perform a verification based on whether "the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities," as recited in claim 1.

In paragraphs [0051] to [0065] of *Hwang*, SGSN 440 transmits an authentication confirm message to TRNC 430 along with information indicating whether UE 410 has qualification for receiving the MBMS service and information on the types of the MBMS services that the UE 410 is currently receiving (Step 417). Next, TRNC 430 determines whether it can continuously provide the requested MBMS service to the UE 410 (Step 517). At most, TRNC 430 of *Hwang* **determines** whether it can continuously provide the requested MBMS service to UE 410 **according to the indication of whether UE 410 has qualification from the SGSN 440.** Such a determination, however, cannot constitute the claimed "verifying," at least because there is no disclosure in *Hwang* of performing any **verification or determination** based on whether "the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities," as recited in claim 1.

In fact, neither *Hwang*, nor *Alakoski*, nor any combination thereof, teaches or suggests "verifying, by the SGSN before sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities," as recited in claim 1.

Hwang and *Alakoski* **further fail to teach or suggest "rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, or creating the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities," as recited in claim 1.**

Hwang discloses "[u]pon receiving the Authentication confirm message, the **TRNC 430 . . . transmits an RRC connection reject message to UE** 410 along with MBMS Service ID indicating a type of the MBMS service that the UE 410 will receive and RB information necessary for the MBMS service . . . (Step 419)," and "when authentication for the UE 410 has failed, **the TRNC 430 transmits to the UE 410 an RRC connection reject message** including information indicating that the UE 410 is unqualified to receive the MBMS service, notifying that continuous supply of the MBMS service is unavailable" (paragraphs [0051] and [0066], emphasis added). Thus, *Hwang* discloses that TRNC 430 notifies of an impossibility of a continuous supply of the MBMS currently being received by UE 410. Such a disclosure, however, cannot constitute a teaching of the claimed **"rejecting"** at least because in *Hwang* the RRC connection reject message is transmitted by TRNC 430 rather than "by the SGSN," as recited in claim 1.

Furthermore, the claimed SGSN rejects the request for activating an MBMS Context or creates the MBMS UE Context **based on the result of the verification performed by the SGSN,** In contrast, TRNC 430 of *Hwang* transmits the RRC connection reject message to the UE 410 based on the UE 410 having no qualification for receiving the MBMS service. Therefore *Hwang* does not teach or suggest "rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS

Bearer Capabilities, or creating the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities," as recited in claim 1 (emphasis added). In fact, neither *Hwang*, nor *Alakoski*, nor any combination thereof, teaches or suggests this element of claim 1.

In view of the shortcomings of the prior art and the errors in analysis of the prior art set forth in the Office Action, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Moreover, there is no motivation for one of ordinary skill in the art to modify the references to achieve the claimed combinations. Thus, the Office Action has failed to clearly articulate a reason why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art. Accordingly, no *prima facie* case of obviousness has been established. Independent claim 1 is therefore allowable.

Independent claim 23, although different in scope from claim 1, recites elements similar to claim 1 and is thus allowable for at least the reasons discussed above with respect to claim 1. Dependent claims 24 and 25 are also allowable at least by virtue of their dependence from base claim 23.

B. **Appellant respectfully traverses the rejection of claims 3-6, 9-12, 14-17, 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Hwang* in view of *Alakoski*, and further in view of *Fuchs*. A *prima facie* case of obviousness has not been established.**

Claims 3-6, 9-12, 14-17, 21 and 22 each depend from base claim 1. As discussed above, neither *Hwang*, nor *Alakoski*, nor any combination thereof, teaches or suggests "the UE sending a request for activating an MBMS Context which carries MBMS bearer capabilities of the UE to

the SGSN which the UE belongs to; ... verifying, by the SGSN before sending a Create MBMS

Context Request, whether the MBMS bearer capabilities of the UE are less than Required

MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities, [and]

rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer

capabilities of the UE are less than the Required MBMS Bearer Capabilities, or creating the

MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required

MBMS Bearer Capabilities," as recited in claim 1 and included in each of claims 3-6, 9-12, 14-

17, 21 and 22.

Fuchs fails to cure the deficiencies of *Hwang* and *Alakoski*. The Examiner alleged that

Fuchs discloses certain elements recited in claims 3-6, 9-12, 14-17, 21 and 22 (Final Office

Action, p. 9-13). However, even assuming this allegation is correct, which Appellants does not

concede, none of the cited references, or any combination thereof, teaches or suggests the

elements of claim 1 recited above. Therefore, claims 3-6, 9-12, 14-17, 21 and 22 are also

allowable, at least by virtue of their dependence from base claim 1.

VIII. CONCLUSION

In view of the above arguments, Appellant respectfully requests that the final rejection of

the claims be reversed and the case advanced to issue. If the Examiner feels that a telephone

interview would advance prosecution of the instant application, then Appellant invites the

Examiner to call the attorneys of record.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of

this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due

under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for

an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account

No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
   GARRETT & DUNNER, L.L.P.

Dated: February 15, 2011

By: _____

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IX. CLAIMS APPENDIX

1.   A method for activating a Multimedia Broadcast/Multicast Service (MBMS) in a network, the network comprising at least one Serving GPRS Support Node (SGSN) for connecting user equipment (UE) via a radio access network, at least one GGSN, and at least one BM-SC, wherein the SGSN and the GGSN are operatively connected while the GGSN and the BM-SC are operatively connected;

the method comprising the steps:

a1. creating, by a UE, a Packet Data Protocol (PDP) Context through interaction with the network and sending a joining message to the network via an SGSN which the UE belongs to; and

a2. after receiving the joining message, implementing, by the network, an authorization to the UE, if the UE has passed the authorization, permitting the UE to activate an MBMS UE Context and the UE sending a request for activating an MBMS Context which carries MBMS bearer capabilities of the UE to the SGSN which the UE belongs to;

b. verifying, by the SGSN before sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities, wherein the Required MBMS Bearer Capabilities are used to identify the maximum QoS ability of the MBMS service requested by the UE; and

c. rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, or creating

the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities.

2.   (Canceled)

3.   The method according to Claim 1, wherein rejecting the request for activating the MBMS context in the step c, further comprises:

    c11. sending a rejection message which carries a rejection reason to the UE;

    c12. sending a failure message which carries a failure reason to a GGSN; and

    c13. receiving the failure message and deciding whether to return back to an IP multicast access of a unicast mode.

4.   The method according to Claim 1, wherein rejecting the request for activating the MBMS context in the step c, further comprises:

    c21. sending a rejection message which carries a rejection reason to the UE; and

    c22. receiving the rejection message and reapplying to receive the MBMS bearer service through a unicast mode.

5.   The method according to Claim 1, rejecting the request for activating the MBMS context in the step c, further comprises:

    c31. sending a failure message which carries a failure reason to a GGSN; and

    c32. receiving the failure message and deciding whether to return back to an IP multicast access of a unicast mode.

6.   The method according to Claim 1, rejecting the request for activating the MBMS context in the step c, further comprises:

c41. sending a failure message which carries a failure reason to a GGSN;

c42. receiving the failure message and deciding whether to return back to an IP multicast access of a unicast mode; and

c43. sending a rejection message which carries a rejection reason to the UE.

7.   (Canceled)

8.   The method according to Claim 3, further comprising:

receiving the rejection message;

activating a timer;

verifying whether the GGSN having returned back to the IP multicast access of the unicast mode before time-out of the timer, stopping the timer if the GGSN having returned back to the IP multicast access of the unicast mode before time-out of the timer, and reapplying to receive the MBMS bearer service through the unicast mode if the timer being overtime.

9.   The method according to Claim 5 further comprising:

activating a timer after the step a2 of sending the message which carries the MBMS bearer capabilities of the UE, stopping the timer if the UE receives an acception message or the GGSN returns back to the IP multicast access of the unicast mode before time-out of the timer,

and reapplying to receive the MBMS bearer service through the unicast mode if the timer being overtime.

10.   The method according to Claim 4, wherein the rejection message carries the Required MBMS Bearer Capabilities, the UE compares the Required MBMS Bearer Capabilities with the MBMS bearer capabilities of the UE after receiving the rejection message, and the UE reapplies to receive the MBMS bearer service through the unicast mode if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities.

11.   The method according to Claim 3, wherein the rejection message carries the Required MBMS Bearer Capabilities, the UE compares the Required MBMS Bearer Capabilities with the MBMS bearer capabilities of the UE after receiving the rejection message, and the UE reapplies to receive the MBMS bearer service through the unicast mode if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities and the GGSN does not return back to the IP multicast access of the a unicast mode.

12.   The method according to Claim 1, wherein in the Step b, if the SGSN has not the Required MBMS Bearer Capabilities and if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, the SGSN deactivates the created MBMS UE Context, and sends a failure message to a GGSN; the GGSN receives the failure message and decides whether to return back to an IP multicast access of a unicast mode.

13.   The method according to Claim 12, further comprising:

receiving a rejection message sent from the SGSN;

activating a timer;

verifying whether the GGSN having returned back to the IP multicast access of the unicast mode before time-out of the timer, stopping the timer if the GGSN having returned back to the IP multicast access of the unicast mode before time-out of the timer, and reapplying to receive the MBMS bearer service through the unicast mode if the timer being overtime.

14.   The method according to Claim 12, wherein the SGSN sends the failure message to the GGSN which creates a PDP Context with the UE, or to the GGSN which creates an MBMS UE Context with the UE.

15.   The method according to Claim 22, wherein the rejection message carries the Required MBMS Bearer Capabilities, the UE compares the Required MBMS Bearer Capabilities with the MBMS bearer capabilities of the UE after receiving the rejection message, and the UE reapplies to receive the MBMS bearer service through the unicast mode if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities and the GGSN does not return back to the IP multicast access of the unicast mode.

16.   The method according to Claim 1, wherein in Step b, if the SGSN has no the Required MBMS Bearer Capabilities, the SGSN creates an MBMS UE Context; if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, the UE reapplies to

receive the MBMS bearer service through the unicast mode after the SGSN deactivates the created MBMS UE Context or after the UE receives a rejection message sent from the SGSN.

17.   The method according to Claim 16, wherein the rejection message sent from the SGSN to the UE carries the Required MBMS Bearer Capabilities; the UE compares the Required MBMS Bearer Capabilities with the MBMS bearer capabilities of the UE after receiving the rejection message, and the UE reapplies to receive the MBMS bearer service through the unicast mode if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities.

18.   (Cancelled)

19.   (Cancelled)

20.   The method according to Claim 6, further comprising:
       receiving the rejection message;
       activating a timer;
       verifying whether the GGSN having returned back to the IP multicast access of the unicast mode before time-out of the timer, stopping the timer if the GGSN having returned back to the IP multicast access of the unicast mode before time-out of the timer, and reapplying to receive the MBMS bearer service through the unicast mode if the timer being overtime.

21.   The method according to Claim 6, wherein the rejection message carries the Required MBMS Bearer Capabilities, the UE compares the Required MBMS Bearer Capabilities with the

MBMS bearer capabilities of the UE after receiving the rejection message, and the UE reapplies to receive the MBMS bearer service through the unicast mode if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities and the GGSN does not return back to the IP multicast access of the unicast mode.

22.   The method according to Claim 12, further comprising:

sending a rejection message to the UE if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities.

23.   A Serving GPRS Support Node (SGSN) for activating a Multimedia Broadcast/Multicast Service (MBMS) comprising:

a first unit, adapted to receive a message which carries MBMS bearer capabilities of a user equipment (UE) from the UE after the UE has passed an authorization;

a second unit, adapted to verify, before the SGSN sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities when the SGSN knows the Required MBMS Bearer Capabilities; and

a third unit, adapted to reject a request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, or create an MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities.

24.   The SGSN according to claim 23, further comprising:

a fourth unit, adapted to send a rejection message which carries a rejection reason to the

UE.

25.   The SGSN according to claim 23, further comprising:

a fifth unit, adapted to send a failure message which carries a failure reason to a Gateway

GPRS Support Node (GGSN).

X.   **EVIDENCE APPENDIX**

None.

XI. RELATED PROCEEDINGS APPENDIX

None.